FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.9378 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr.U.P. Warunjikar, for the Petitioners
Mr.R.M. Patne, A.G.P. for Respondent No.2.
Mr. N.V. Walawalkar, for Respondent No.1.

CORAM : F.I. REBELLO & S.P. KUKDAY,JJ.
DATED : 21st February,2005
P.C.

. Pursuant to the order in Writ Petition No.3799 of 2004 and other petitions decided on 19th March, 2004 the services amongst others of the petitioners were discontinued. The petitioners along with others are before the Apex Court. By the present petition which was filed in the year 2003 relief was sought that the petitioners be considered for recruitment to the post of peons under the special drive reserved candidates. That was on the presumption that as on 16th December, 2003 there was a special drive.

2. The law is clear that no party can approach this Court seeking that they may be considered, considering that under

Articles 14 and 16 of the Constitution of India all eligible candidates will have to be considered bearing in mind the Rules of recruitment. The petitioners, therefore, if eligible can always apply if the respondents seek to fill in the posts and against reserved vacancies. It is also not possible to direct the Respondents to reserve two posts as the petitioners were not appointed against those posts, but were appointed much earlier. At the highest considering that the petitioners have put in long years all that can be said is that the respondents would not insist on the bar of age in so far as the petitioners are concerned if they apply in respect of any vacancy that is available with the respondent No.1. Their other rights would be subject to the order that may be passed in the S.L.P. preferred by them.

3. With the above observations writ petition stands disposed of. No order as to costs. If the petitioners are eligible for any other post they may also be considered for that post ignoring age bar.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)